

D/F

U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK
 ★ SEP 1 2005

DAVID H. WEISS, ESQ.
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PM. _____
 TIME AM. _____

August 31, 2005

BY FAX (718) 260-2386

The Honorable Allyne Ross
 United States Courthouse
 225 Cadman Plaza East
 Brooklyn, NY 11201

Application granted. The conference is adjourned to 10/4/05 @ 2:30 pm and an order of excludable delay, as a continuance in the interests of justice is entered to that date.

Re: United States v. Shuttleworth
Case Number 05CR73

Scheduled. 8/31/05 cc: counsel

Dear Judge Ross:

The purpose of this letter is to confirm a telephone conversation I had with your clerk Dennis LaSalle yesterday in connection with the referenced matter.

I am the spouse of David Weiss. Mr. Weiss is defense counsel to Dane Shuttleworth in the captioned matter. Mr. Weiss currently is in Columbia Presbyterian Hospital where he was admitted at the end of last week. He therefore will not be able to attend the conference before you scheduled in the case tomorrow, September 1, 2005. On my husband's behalf, and with the consent of the Assistant United States Attorney John Nathanson, I respectfully request that the conference be adjourned, and that the defendant's time be excluded to preserve his rights.

We expect my husband to remain in the hospital for at least 2 weeks. If the conference could be rescheduled for the end of September it would be greatly appreciated. If you need to reach me please feel free to do so at the above number or my cellphone - 917-693-0704. Thank you for your courtesy in this matter.

Respectfully,



Mindy H. Stern

cc: John Nathanson (by fax - 718-254-7499)

C/m